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JC962 U.S. PTO

## UTILITY PATENT APPLICATION TRANSMITTAL

Under Small Entity Status  
(New Nonprovisional Applications Under 37 CFR § 1.53(b))Attorney Docket No.  
**AB-126U**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Todd K. Whitehurst, entitled Fully Implantable Microstimulator for Spinal Nerve, Spinal Nerve Root, and/or Spinal Cord Stimulation as a Therapy for Chronic Pain, for a(n):

(X) Original Patent Application.

( ) Continuing Application (prior application not abandoned):

( ) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. \_\_\_\_\_, filed on \_\_\_\_\_.

Enclosed are:

(X) Application Data Sheet 2 Total Sheet(s).(X) Non-Publication Request 1 Total Sheet(s).(X) Specification; 24 Total Pages + cover sheet.(X) Drawing(s); 8 Total Sheets of formal drawings + 8 Total Sheets of copy of drawings.

(X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:

(X) Signed. ( ) Unsigned. ( ) Partially Signed.

( ) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

( ) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

(X) Return Receipt Postcard.

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	24	4	\$9.00	\$36.00
Independent Claims	3	0	\$40.00	\$0.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Basic Filing Fee				\$355.00
Total Filing Fee				\$391.00

(X) Applicant claims small entity status. See 37 CFR 1.27.

Please charge \$ 391.00 to Deposit Account No. 50-0648 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: Laura H Bishop

Laura Haburay Bishop, Reg. No. 47,424

Date: August 13, 2001

Correspondence Address: Advanced Bionics Corporation  
12740 San Fernando Rd.  
Sylmar, CA 91342

23845

PATENT TRADEMARK OFFICE

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231By: Laura H Bishop

Typed Name: Laura Haburay Bishop

Express Mail Label No.: EL844239649US

Date of Deposit: August 13, 2001

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09/929597  
08/13/01

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Whitehurst, et al.
	Title	Fully Implantable Microstimulator for Spinal Nerve, Spinal Nerve Root, and/or Spinal Cord Stimulation as a Therapy for Chronic Pain
	Atty Docket Number	AB-126U

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

August 13, 2001

Date

  
Signature

Laura Haburay Bishop, Reg. No. 47,424

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**